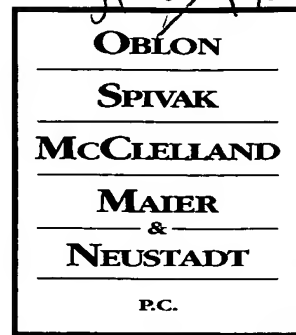




Docket No.: 265908US23PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/526,230

Applicants: Kenzo OGATA, et al.

Filing Date: March 1, 2005

For: ELECTROSTATIC TONER COMPOSITION TO
ENHANCE COPY QUALITY BY IMPROVED
FUSING AND METHOD OF MANUFACTURING
THE SAME

Group Art Unit: 1756

Examiner:

SIR:

Attached hereto for filing are the following papers:

Letter

International Preliminary Examination Report (4 pp.)

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


J. Derek Mason

Registration No. 35,270

Customer Number

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Daniel J. Pereira
Registration No. 45,518

DOCKET NO: 265908US23PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KENZO OGATA, ET AL :
SERIAL NO: 10/526,230 :
FILED: MARCH 1, 2005 : GROUP ART UNIT: 1756
FOR: ELECTROSTATIC TONER :
COMPOSITION TO ENHANCE COPY
QUALITY BY IMPROVED FUSING AND
METHOD OF MANUFACTURING THE
SAME

LETTER

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants wish to make of record the attached International Preliminary Examination
Report.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

J. Derek Mason
Registration No. 35,270

Daniel J. Pereira
Registration No. 45,518

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Tel: (703) 413-3000
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(OSMMN 06/04)

PATENT COOPERATION TREATY

RECEIVED: 9-26-05
 OBLON, SPIVAK, MCCLELLAND
 MAIER & NEUSTADT, P.C.
 DOCKETING DEPT.
 Initials/Date Docketed: CA/9-26-05
 Type of Resp(s):
 Due Date(s):

From the
 INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
 J. DEREK MASON
 OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT,
 P.C.
 1940 DUKE STREET
 ALEXANDRIA, VA 22314

PCT NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

RECEIVED IN CHEM

9-27-05

Date of Mailing
 (day/month/year)

22 SEP 2005

Applicant's or agent's file reference

224547WO 23

IMPORTANT NOTIFICATION

International application No.

PCT/US03/25852

International filing date (day/month/year)

09 September 2003 (09.09.2003)

Priority date (day/month/year)

09 September 2002 (09.09.2002)

Applicant

mitsubishi chemical america, inc.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

Mail Stop PCT, Attn: IPEA/US
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

Mark A. Chapman

Telephone No. 571-272-1700

Form PCT/IPEA/416 (July 1992)

70608015	
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9/28	CA
Entered as General Mail	
Entered Case Specific	

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 DOCKET NO. _____

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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 224547WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/25852	International filing date (day/month/year) 09 September 2003 (09.09.2003)	Priority date (day/month/year) 09 September 2002 (09.09.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): G03G 9/00 and US Cl.: 430/108.8		
Applicant MITSUBISHI CHEMICAL AMERICA, INC.		
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of ___ sheets.</p>		
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of report with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>		
Date of submission of the demand 05 April 2004 (05.04.2004)	Date of completion of this report 01 September 2005 (01.09.2005)	
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/ US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer Mark A. Chapman Telephone No. 571-272-1700 Jean Proctor Paralegal Specialist	

Form PCT/IPEA/409 (cover sheet)(July 1998)

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/25852

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-25 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the claims:
pages 26-28 as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☒ the drawings:
pages 1-2 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages NONE as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/25852**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-20</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-20 lack an inventive step under PCT Article 33(3) as being obvious over TANIKAWA et al.. TANIKAWA et al. teaches an electrostatic developer that includes a similar hydrocarbon wax with the same relationship of endotherms determined by differential scanning calorimetry (claims). TANIKAWA et al. directly suggests that the wax has a predetermined and predictable crystallinity (column 8 lines 56 - column 9 line 6). It would have been obvious to one of ordinary skill in the art that the same crystallinity and wax branching would be used because of the similarities in the produced endotherms and performance of the developer such as stability and fixability (col. 3).

Claims 1-20 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

----- NEW CITATIONS -----

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